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Chairman: Ms. Groux (Vice-Chairman) ..... (Switzerland)
later: Mr. Kuchinsky (Chairman) ..... (Ukraine)
later: Ms. Groux (Vice-Chairman) ..... (Switzerland)

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The meeting was called to order at 9.50 a.m.

Agenda item 103: Elimination of racism and racial discrimination

(a) Elimination of racism and racial discrimination (A/59/18, 275, 276, 329, 330, 425; A/C.3/59/4)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/59/375; A/C.3/59/4)

Agenda item 104: Right of peoples to self-determination (A/59/191, 376, 425; A/59/66-S/2004/219; A/59/427-S/2004/806)

1. **Mr. Ndiaye** (Director, New York Office of the United Nations High Commissioner for Human Rights) introduced the reports submitted under agenda items 103 (a) and (b) and 104, beginning with the three reports concerning the Committee on the Elimination of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination.

2. Since the submission of the report of the Secretary-General on the Status of the Convention (A/59/275), 45 States had made the declaration under article 14 of the Convention recognizing the competence of the Committee to receive and consider communications, and the Comoros had ratified the Convention, thereby bringing the number of States parties to 170.

3. With regard to the report of the Committee on the Elimination of Racial Discrimination (A/59/18), he said the Committee had devoted its two regular sessions of 2004 mainly to the consideration of the reports submitted by States parties under article 9 of the Convention and to reviews, without a report, of the implementation of the Convention in two States parties. It had also adopted three decisions under its early warning and urgent procedures. At its sixty-fourth session, in March 2004, the Committee had held a thematic discussion on non-citizens and racial discrimination, as a result of which it had adopted a general recommendation proposing that States parties should adopt a number of measures in that area. At its sixty-fifth session, it had appointed a coordinator to be in charge of follow-up to its concluding observations and had established a five-member working group to examine situations under its early warning and urgent procedures. In addition, the Committee's views on the implementation of the Convention and its effectiveness (E/CN.4/2004/WG.21/10) had been transmitted to the third session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, held in October 2004. The Committee had decided to hold, at its sixty-sixth session in the spring of 2005, a thematic discussion on the prevention of genocide, to which the Special Adviser on the Prevention of Genocide would be invited, as well as a general discussion on multiculturalism; it would also consider the draft of a new general recommendation on racial discrimination in the administration of justice.

4. With regard to the report of the Secretary-General on the financial situation of the Committee (A/59/276), he noted that the amendment to article 8 of the Convention had not yet entered into force since it had not been accepted by a majority of two thirds of the States parties; he also drew attention to the fact that a number of States parties were still in arrears from the non-payment of previous assessments for the period prior to 1994.

5. The report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/59/375) focused on activities undertaken by States, the Office of the United Nations High Commissioner for Human Rights (OHCHR), other United Nations entities, international and regional organizations, national human rights institutions, NGOs and youth groups. The Intergovernmental Working Group had considered the interrelations between racism and poverty and between racism and education at its second session in early 2004. At the conclusion of its third session, it had adopted recommendations on racism and health, racism and the Internet and racism and complementary standards. The Working Group of Experts on People of African Descent, at its current session, was focusing on the impact of racism on health, employment and housing. The independent eminent experts, at their next meeting in early 2005, would be assessing the international standards to combat racism with a view to preparing complementary standards, and would be considering the work of the two other World Conference against

Racism follow-up mechanisms. The Anti-Discrimination Unit of OHCHR had contributed to two regional expert seminars for Eastern Europe and for Western Europe, on the implementation of the Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. A further seminar on the same topic, for the Asia-Pacific region, was scheduled for November 2004. It would be preceded by an intergovernmental meeting in Brazil on the health-related Millennium Development Goals, to be organized jointly with the Pan-American Health Organization (PAHO). Technical cooperation had been provided to strengthen national human rights institutions' capacity in adopting national plans of action to combat racism, to support awareness-raising initiatives and to fund small grants under the "Assisting Communities Together" project. With regard to the dissemination of information on the work of OHCHR, he said the redesigned Anti-Discrimination Unit web site would soon be in operation and that various publications had been prepared, one of which, on the dimensions of racism and produced jointly with the United Nations Educational, Scientific and Cultural Organization (UNESCO), was to appear shortly. Many activities with NGOs and youth organizations had also taken place.

6. Lastly, introducing the report of the Secretary-General on the right of peoples to self-determination (A/59/376) and the note on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/59/191), he said that, since the publication of the note, New Zealand had ratified the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, thereby bringing the number of States parties to 26.

7. **Mr. Diène** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), speaking to agenda item 103 (a), introduced his interim report and his study on the question of political platforms which promote or incite racial discrimination (A/59/329 and A/59/330), which focused on two major issues, namely the new obstacles encountered in combating racism, racial discrimination and xenophobia, and the new approaches that were required in response. In his view, the regression noted since the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance could be attributed to several factors.

8. Firstly, legitimate efforts to combat terrorism had caused a marginalization of human rights in general and a normalization of racism in particular. New forms of racism had also appeared, targeting "terrorist-breeding groups" within society, meaning groups who were perceived to constitute a terrorist risk, which in many cases cut across traditional groupings.

9. Secondly, the fact that political leaders, the media and society at large conflated the various forms of discrimination — based on race, culture or religion — tended to confuse discussion of the nature of those phenomena and of the appropriate responses, and above all thrust the issue of the clash of cultures or of civilizations into the centre of efforts to combat discrimination and racism.

10. Thirdly, racist and xenophobic ideas were used by political parties for electoral purposes, in the guise of preventing illegal immigration, defending preference for nationals in times of economic recession or even combating terrorism, which led to a general acceptance of racist and xenophobic discourse and ultimately of racist and xenophobic acts.

11. Fourthly, whether it was the result of opportunistic politicization or a reflection of the victim mentality, the ranking of the various forms of racism and the according of levels of priority and degrees of urgency for tackling them undermined efforts to combat all forms of racism, which had the same roots.

12. Fifthly, an intellectually dangerous movement was under way, characterized by a legitimization of racism and xenophobia, as illustrated by Samuel Huntington's latest book, *Who Are We? The Challenges to America's National Identity*, whose main contention centred around the threat to the American identity posed by "Latino" groups and their culture.

13. Lastly, as societies responded to globalization by becoming more inward-looking, not only did non-nationals, immigrants and refugees tend to be rejected and subjected to discrimination, but the same also applied to national ethnic, cultural or religious groups which were different or constituted a minority.

14. In such a situation, the first priority was to strengthen legal strategies against racism by applying all international instruments and agreements, including the Durban Programme of Action. There was also an

urgent need to develop an intellectual and cultural strategy that would make it possible to confront racism by emphasizing the universal nature of the effort and the importance of multiculturalism.

15. **Mr. Vigny** (Switzerland) said that the Special Rapporteur had described accurately, in his interim report, the actions taken by the judiciary to combat racism in Switzerland (A/59/329, para. 42). He particularly approved the recommendation that States Members should take measures to ensure that the struggle against racism did not result in new forms of discrimination, and the one that drew attention to increased racism in sports. However, in his next report, the Special Rapporteur should underscore the positive role that sport could play in the struggle against racism, as stated in the Durban Declaration. The recommendation referring to the Internet was also very useful, too few States had adopted measures at the national level. In that respect, the Special Rapporteur should emphasize the positive role the Internet could play in the struggle against racism, which had also been mentioned in the Durban Declaration.

16. **Mr. Faber** (Netherlands), speaking on behalf of the European Union, asked the Special Rapporteur how he would avoid contradictions and overlap in the context of his cooperation with regional organizations in the struggle against racism, as that was crucial. He also wished to know the reason for the decline in solidarity among victims and how it could be remedied. Lastly, he would like to know how the Special Rapporteur planned to get more involved in the follow-up to his visits and the implementation of his recommendations, as indicated in his interim report (para. 12).

17. **Mr. Nürnberg** (Norway) asked what could be done at the national and international levels to make the best use of all media, including the Internet, in the struggle against racism, and why there were so few national action programmes.

18. **Mr. Nikiforov** (Russian Federation) said that the Special Rapporteur's report was tendentious and partial, because, in paragraph 27, it reproduced information that had appeared in the press from a doubtful anonymous source, where the relevant measures taken by the Government had not been taken into account. The Special Rapporteur should reassess his position when he visited the country in June 2005. It would be useful to know what had been done, with regard to recommendations and methodologies, to encourage implementation of Commission on Human Rights resolution 2004/16 on the inadmissibility of certain practices that contributed to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, which had special relevance in the context of the celebration in 2005 of the sixtieth anniversary of the Second World War.

19. **Mr. Elbadri** (Egypt) said that, when the Special Rapporteur stated, in paragraph 41 of his report (A/59/330), that the situation of Coptic Christians illustrated the reality of religious and communal tensions, antagonisms and discriminatory practices, he was referring to a book by Bernard Lewis, whose remarks were not necessarily justified. In paragraph 43, the Special Rapporteur stated that ethnic and religious minorities in Egypt had borne the impact of State-sponsored or communal-based discrimination; his delegation rejected that opinion, because equal opportunities were enshrined in the Constitution.

20. He agreed with the Special Rapporteur's views on the danger of the new forms of racism, particularly those that had appeared after 11 September 2001, and the description, in paragraph 42, of the situation in the occupied Palestinian territories. He asked whether the Special Rapporteur considered that the education of children, starting as young as 4 or 5 years of age, could play a decisive role in the struggle against racism.

21. **Mr. Diène** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), replying to a question by the representative of Switzerland concerning sport, agreed that its importance should be stressed in the struggle against racism. In his preceding report, he had noted the increase of acts and expressions of racist sentiments on sports fields, particularly football stadiums, and stressed that football should be played in an environment of friendship and mutual understanding. He had met with leaders of major sports federations, because he believed that it was their responsibility to take the first steps to prevent the problem. The previous week, he had met with the President of the International Olympic Committee, who had told him there were no incidents of racism during the Olympic Games, but the Committee followed the matter closely and would take note of any relevant information. Collaboration had thus been established between the Special Rapporteur and the relevant sports federations.

22. He agreed with the representative of Switzerland that the Internet could play a role in the struggle against racism. Even though the Internet and all the new information and communication technologies were used by those who promoted racism and discrimination, the technologies could also be used to disseminate values combating their misuse. However, the Internet was a complex issue, as it brought out the conflict between freedom of expression and respect for the values enshrined in the international instruments. A recent meeting on the issue, held in Paris, had highlighted the conflict; there was no consensus within the international community on how the Internet could be used to combat racism and discrimination.

23. In reply to a question by the representative of the Netherlands, he said that he was working towards collaboration with other mechanisms, particularly regional mechanisms. He had recently attended a meeting of the European Monitoring Centre on Racism and Xenophobia to define modalities of cooperation. It had been decided that the activities of the Observatory and the Special Rapporteur did not overlap, but that the latter would take the Observatory's work into account in his reports. He was also collaborating with the Organization for Security and Cooperation in Europe (OSCE) and was organizing a meeting on discrimination against religious groups the following week, in which representatives of the Observatory, the OSCE and the Committee on the Elimination of Racial Discrimination would take part.

24. With regard to the question of follow-up to the Special Rapporteur's visits, he said the visits should not be isolated, but rather part of a process allowing him to report as objectively as possible on the way in which countries faced problems relating to discrimination, offer constructive criticism and establish a dialogue with the national authorities. He had informed the Governments of all the countries visited that he was ready to help them implement his recommendations. Canada, for example, had invited him to return in order to examine with him in more detail the recommendations in his report (A/59/330). He therefore asked all the countries visited to authorize him to make return visits to report on the follow-up to his recommendations.

25. He did not share the opinion of the representative of the Russian Federation, who had found his description of the situation in the Russian Federation to be tendentious. He did not report merely on what appeared in the national and international press. An Asian student had recently been beaten to death in Saint Petersburg, and African diplomats had asked the Russian authorities to ensure the protection of both African students and diplomats, because aggression against foreign diplomats occurred daily. The Russian Federation was aware of the problem and had requested the Office of the High Commissioner for Human Rights and the Special Rapporteur to conduct a study on neo-Nazi groups in the country and their links to racist acts and discrimination. He thanked the representative of the Russian Federation for having informed him that the Russian Government had accepted his request to visit the country.

26. In reply to a question by the representative of Egypt, he said that it was not so much the level of education that constituted a conclusive weapon against racism and discrimination, but rather the content of education; indeed, education could serve as a vehicle for society's prejudices. Intercultural exchanges and education were very important for democratic values and human rights.

27. *Mr. Kuchinsky (Ukraine) took the Chair.*

28. **Ms. Perez** (Cuba) asked whether the Special Rapporteur was aware of the existence of codes of conduct such as those mentioned in paragraph 56 of the report (A/59/330).

29. **Mr. Sinaga** (Indonesia) said that, having examined the Special Rapporteur's report, his delegation had realized that racism and discrimination affected countries and regions throughout the world, including Europe, where there had been a wave of Islamophobic violence following the 11 September 2001 attacks, and Canada, which was not exempt from such problems. Indonesia considered that the struggle against racism and discrimination was more effective if it was supported by cooperation among the countries concerned, and it supported any initiative that promoted appropriate education. Even if Indonesia was not mentioned in the report, it could be faced with the problem and wished to know how the countries concerned were dealing with it.

30. **Ms. García Matos** (Venezuela) asked whether the Special Rapporteur could state what measures Latin American States should take in the face of the marginalization of indigenous peoples and people of African descent, who were overlooked by development.

31. **Ms. Verrier-Frechette** (Canada), referring to the interim report published under the symbol A/59/329, observed that the description of the plan of action against racism, which Canada was currently finalizing, contained several inaccuracies. She proposed to provide the Special Rapporteur with all the information he would require to correct those errors.

32. **Mr. Diène** (Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), replying to the representative of Egypt, who had expressed concern at the fact that the report mentioned discrimination against Coptic Christians in Egypt, said that he basically stood by his assessment, in that tensions had always existed and still existed between the ethnic and religious communities in Egypt. He was, however, prepared to take into consideration any information that Egypt would like to give him on that subject for incorporation into later reports.

33. He agreed with the representative of the Netherlands that it was disturbing to see that many countries had neglected to draw up national action plans against racism and discrimination, on the grounds that international instruments existed, although the Durban Declaration and Programme of Action clearly stated that such plans should be elaborated at the national level.

34. Replying to a question raised by the representative of Cuba, he said that he was unaware of codes of conduct formulated by political parties. He regretted that in some countries, efforts were being made to prioritize forms and manifestations of racism for political and perhaps historical reasons, which called into question the universality and effectiveness of the fight against racism. He called on the Committee to treat all forms of racism and discrimination equally in its resolutions. He was troubled by the influence that racist and xenophobic views held by certain political parties could sometimes have on the political programmes of democratic parties, which made racist discourse seem normal by taking up certain aspects, such as immigration.

35. He said he would take note of the observation made by the representative of Canada, and promised to include the necessary corrections in his next report.

36. In reply to a question raised by the delegation of Venezuela, he noted that, historically, native Americans were the first known victims of racism and discrimination that had resulted in genocide. He also pointed out that discrimination against native Americans was still a reality, even if the countries concerned did not wish to acknowledge it — despite the fact that areas of marginalization and poverty corresponded to the geographical distribution of those peoples.

37. **Mr. Elbadri** (Egypt), responding to the remarks of the Special Rapporteur with regard to the existence of tensions between religions and communities, said he was disturbed by the reference in paragraph 43 of the report (A/59/330) to State-sponsored discrimination. He would appreciate the Special Rapporteur shedding light on that statement. Although he did not deny that tensions existed between communities and even within certain communities, he did not believe that was a problem of the scope the Special Rapporteur had suggested. He agreed with the Special Rapporteur that the best safeguard against racism and discrimination was educating young people.

38. **Mr. Diène** (Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said that he would meet privately with the representative of Egypt regarding the observation in question.

39. **Ms. Shameem** (Special Rapporteur on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination), said, with reference to agenda item 104, that she was concerned by the fact that, despite the interest shown in 1989 for the formulation of an international legal framework adopted by the United Nations General Assembly, only 26 States, the most recent of which was New Zealand, had ratified or acceded to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. She also regretted that mercenary activities continued unabated in many areas of the world. She was aware that such matters needed to be explored from new perspectives, theoretical as well as practical, taking into consideration the geopolitical and economic realities of the twenty-first century.

40. She nevertheless wished to point out that when mercenary activities did not violate human rights or impair the self-determination of peoples, or were carried out by groups that were not made up of

mercenaries, they did not fall within her mandate. In her view, mercenaries, terrorists, freedom fighters, volunteers, part-time soldiers, rebels defending a cause and private security companies should not be lumped together, even if their activities were sometimes similar. She would rely on information from various sources, including that from the Member States concerned, and prepare comprehensive, up-to-date reports for the Third Committee and the Commission on Human Rights to be used in adopting meaningful resolutions and decisions.

41. She noted that reports formulated by the former Special Rapporteur and the information she had received from a number of representatives of Member States had given rise to comments and questions. She wondered what was the impact of the changing nature of conflicts and armed forces on the recruitment, use, financing and training of mercenaries who violated human rights and impeded the exercise of the right of peoples to self-determination; why more States Members had not yet ratified the Convention, and how that problem could be overcome; whether the proposed new legal definition of a mercenary would encourage them to do so; what States Members that had ratified the Convention thought of the new definition; whether the granting of licences to genuine private security companies and the regulation of that sector at the national and international levels would help to identify organizations engaging in mercenary activities that violated human rights and the right of peoples to self-determination; and finally, what legal and other mechanisms were in place for monitoring such activities.

42. In accordance with Commission on Human Rights resolution 2004/5, she had, within the context of the existing consultation process, circulated the proposed new definition of a mercenary to States Members and approached those who were already parties to the Convention. She planned to undertake missions to Equatorial Guinea and the United States of America in the coming months, to conduct consultations with intergovernmental organizations and non-State actors concerned with the matter as well as with Governments, and was currently assembling a database on national legislation with respect to mercenaries. She would base her work on the conclusions of the third meeting of experts on mercenaries, which would take place in Geneva in December 2004.

43. **Ms. Perez** (Cuba), referring to agenda item 104, said that her country was about to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. However, the definition of a mercenary as set out in article 1 was not sufficiently broad, and the proposal made by the former Special Rapporteur on that matter therefore provided a good basis for strengthening the Convention.

44. The new phenomenon of private security firms, which currently existed in more than 100 countries, had been well documented by the previous Special Rapporteur. If it was true, as the Special Rapporteur had indicated, that mercenary activities should not always be grouped together with terrorist activities, and that there were groups that resorted to terrorism in order to achieve certain goals but were not paid — a phenomenon denounced by all countries — there were also cases in which the two forms of activity overlapped. For example, since the triumph of the revolution in 1959, Cuba had been victimized by groups based in the United States that were both mercenary and terrorist.

45. Her delegation therefore requested the Special Rapporteur to continue to explore the question of the links between the activities of mercenaries and terrorists, as well as the question of private security firms, which were not supervised by Governments or by international organizations. It also encouraged the Special Rapporteur to complete the inquiry begun by the former Special Rapporteur in 1997 following his visit to Cuba, and asked her to pursue the investigation into the recent release of four persons who had attempted to assassinate Fidel Castro in Panama in 2000, three of whom were in the United States, enjoying absolute impunity.

46. **Mrs. Shameem** (Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination) said that, although links between terrorism and mercenaries could exist, that was not always the case.

47. **Mr. Al-Nasser** (Qatar), speaking on agenda items 103 (a) and (b), on behalf of the Group of 77 and China, said that the elimination of racism and other forms of intolerance was a goal shared by everyone, transcending borders and the development divide, as demonstrated by the World Conference against Racism,

Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa.

48. The Durban Declaration and Plan of Action, adopted by the General Assembly in resolution 56/266 of 27 March 2002, drew lessons from the past and provided the international community with comprehensive guidelines for policies and action to eliminate racism. A resolute and renewed political will, adequate funding and sustained international cooperation were indispensable for the effective implementation of the commitments, agreed upon in Durban. Such a will should be translated into concrete actions at all levels, and should promote the participation of all the relevant stakeholders. In that regard, the national human rights institutions and civil society had an essential role to play. Commission on Human Rights resolutions 2002/68, 2003/30 and 2004/88, which established mechanisms for the effective implementation of the Durban Declaration and Programme of Action, were an important step towards that goal.

49. The Group of 77 and China wished to stress the importance of the work of the two working groups established by the Commission on Human Rights to facilitate the effective implementation of the Durban Declaration and Programme of Action, and the need for regular progress reports to be submitted to the General Assembly and the Commission on Human Rights. They also emphasized the importance of the elaboration of contemporary standards to strengthen and update international instruments against racism, xenophobia and related intolerance.

50. He welcomed the commitment made by the United Nations High Commissioner for Human Rights to make the struggle against racism, racial discrimination and xenophobia a priority of her Office, in all its activities, and said he agreed that, far from being a short-term challenge, the eradication of racism required changing hearts and minds through education and persuasion, which were long-term tasks.

51. Deeply concerned by the increasing use of the new information and communication technologies, particularly the Internet, to disseminate racist slogans and incite racial hatred, when such technologies should serve as educational and awareness-raising tools, the Group of 77 and China requested that States should take the necessary measures, including legal sanctions, to fight such actions.

52. Noting that the Third Decade to Combat Racism and Racial Discrimination had ended without achieving the objectives of the Decade's Programme of Action, the Group of 77 and China wished to reaffirm those objectives within the overall framework of the implementation of the Durban Declaration and Programme of Action. They were resolved to work closely with the international community and all stakeholders towards the achievement of that goal.

53. *Mrs. Groux (Switzerland), Vice-Chairman, took the Chair.*

54. **Mr. Elbadri** (Egypt), referring to agenda item 104, noted that the principle of self-determination, which had first arisen at the beginning of the previous century, was one of the pillars of the system of human rights and international law, recognized by all the States and ratified in international conventions. Self-determination was more than a legal concept in that it represented hope for peoples who had experienced the troubled waters of occupation.

55. The right to self-determination allowed a people to choose its political, economic, social and cultural identity. It was an essential requirement for democracy. It was not a gift but a natural right, fully applicable to every one, including the Palestinian people, who were being prevented from establishing an independent state. Their struggle was legitimized by the international community, and Israel, the last bastion of colonization, must understand that its occupation of the territories was illegal and remained a source of instability and hatred which challenged coexistence between peoples. It must therefore review its policies. Failure to recognize the right to self-determination amounted to violating a principle and contradicting a moral code.

56. **Mr. Xie** Bohua (China), speaking on agenda items 103 and 104, said that his delegation associated itself with the statement made by Qatar on its behalf and on behalf of the Group of 77.

57. The Government of China had always believed that, to eliminate racism and racial discrimination, both symptoms and causes had to be addressed. Achieving that goal was primarily the responsibility of Governments, and when taking measures to eradicate the traditional root causes of racism and racial discrimination, they should not ignore their contemporary forms.

58. At the international level, China called on all States to ratify and implement the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action, and to support the work of the intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, in which it participated actively.

59. The Intergovernmental Working Group had recently held its third session, during which in-depth discussions had been held on the further implementation of the Durban Declaration and Programme of Action and on such topics as racism and health and racism and the Internet, concerning which recommendations had been adopted. He noted the introductory statement made by the United Nations High Commissioner for Human Rights to the present session, and expressed appreciation for her determination to make the action to combat racism one of the priorities of her Office in all its activities. China also wished the Working Group of Experts on People of African Descent, currently in session, great success in its work.

60. The international community must work for the restoration of all the rights of the Palestinian people, in particular their right to self-determination, in order rapidly to reach a fair and reasonable settlement of the Palestinian issue, which was indispensable to sustainable peace in the Middle East. The construction of the separation wall by the Government of Israel and the expansion of the settlements were both regrettable. The Government of China was convinced that countering violence with violence would only exacerbate tensions, and strongly supported the Middle East peace process, the principle of land for peace and the peace initiative adopted during the Arab League Summit held in Beirut.

61. In conclusion, he wished Mr. Yasser Arafat, President of the Palestinian Authority and distinguished Chairman of the Palestine Liberation Organization, and an old friend of China, a prompt recovery.

62. **Mr. Faber** (Netherlands), speaking on agenda item 103 on behalf of the European Union, the candidate countries Bulgaria, Croatia, Romania and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia and Serbia and Montenegro and the EFTA Country Iceland, said that the European Union urged all States that were not yet parties to the International Convention on the Elimination of All Forms of Racial Discrimination to ratify or accede to the Convention with a view to its universal ratification by 2005.

63. Despite the international community's adoption of the Durban Declaration and Programme of Action in 2001, racism and intolerance continued to manifest themselves and even posed new challenges. The first such challenge was terrorism and the need for a multifaceted response, which should include efforts to combat all forms of racism, discrimination and intolerance. He asked all States to be aware, however, that the fight against terrorism could seriously challenge respect for civil liberties and human rights, and that there was a risk that entire groups of people would be identified with terrorists or their supporters. Action to combat terrorism should be pursued in compliance with international human rights law, including non-discrimination norms.

64. Second, while the memory of atrocities committed in the Second World War was receding in public memory, the number of anti-Semitic incidents had increased in recent years. The European Union was committed to combating such developments. It was concerned at the exploitation of the media or the Internet to fuel messages of racism, anti-Semitism and intolerance, for example concerning the situation in the Middle East. Rejection of the policies of the Government of Israel should never be used as an argument or excuse to promote anti-Jewish prejudices.

65. Third, as people moved around the world hoping to avail themselves of the opportunities that globalization offered, new challenges were raised. Integration policies should be based on tolerance and respect for migrant groups. Ways must be found to allow immigrants to contribute to the development of the political, economic, social and cultural richness of their new homeland. It was also important to ensure social cohesion by addressing the needs of all persons and by avoiding tensions between them in an open and transparent manner.

66. The European Union was deeply concerned by the prevalence of discrimination based on work and descent, in particular caste-based discrimination which was estimated to affect 260 million people worldwide.

It noted the work accomplished on that issue in the United Nations context, including by the Committee on the Elimination of Racial Discrimination, the Subcommission on the Promotion and Protection of Human Rights and the Special Rapporteur on Racism. The European Union called on all States where such discrimination existed to intensify their efforts to combat it, including through cooperation with the Special Rapporteur.

67. Noting that the struggle against racism and discrimination, including anti-Semitism and Islamophobia, remained one of the most important goals of the European Union, he emphasized that States had the primary responsibility for combating racism. In that regard, the European Union urged all Governments to cooperate with the Special Rapporteur and the Office of the High Commissioner for Human Rights (OHCHR) Anti-Discrimination Unit and with the Committee on the Elimination of Racial Discrimination. The European Union paid tribute to their work in promoting the implementation of the Durban Declaration and Programme of Action and the International Convention on the Elimination of All Forms of Racial Discrimination.

68. He drew attention to the draft European Constitution adopted in June 2004 by the European Council, which included a Charter of Fundamental Rights. One of its articles explicitly forbade all forms of discrimination. In 2000, the European Union had adopted two anti-discrimination directives to be incorporated by member States into their national legal systems. The first banned discrimination on the grounds of racial and ethnic origin, and was aimed at equal opportunities for all with regard to employment, education and training, social security and health care. The second banned discrimination in employment based on religion and belief. These directives were backed up by a six-year 100 million euro programme in support of research, information activities and NGOs. A similar plan had also been adopted to promote equal opportunities between men and women. The plans included prevention, education and awareness-raising measures to address the root causes of racism and intolerance.

69. The European Union strongly supported the efforts made by the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe with regard to awareness-raising and the condemnation of all forms of racism. He drew attention to the declarations of the Conference on Anti-Semitism, which had taken place in Berlin on 28 and 29 April 2004, and the Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination, held in Brussels in September 2004, both organized by the OSCE. The OSCE member States had also agreed to collect reliable information and statistics on anti-Semitic crimes and other hate-induced crimes, and had tasked the OSCE Office for Democratic Institutions and Human Rights to follow closely and to report to the Permanent Council incidents motivated by racism, xenophobia or related intolerance, including discrimination against Muslims and anti-Semitism in OSCE countries.

70. The European Union also welcomed the increasing priority being given by those organizations to addressing racism and discrimination against the Roma, Sinti and Travellers in Europe. In November 2003, the OSCE Council of Ministers had approved in Maastricht an Action Plan for improving the situation of the Roma and Sinti in the OSCE region. The Council of Europe was in the final stage of establishing the European Roma and Travellers Forum, an independent consultative body with a treaty-based special relationship with the Council of Europe, which would provide an international platform for those communities. The Forum would also seek cooperation with the relevant United Nations bodies. With regard to data collection, in 2004 the European Union Monitoring Centre on Racism and Xenophobia in Vienna had published a report entitled "Manifestations of Anti-Semitism in the European Union in 2002-2003".

71. The proliferation of racial discrimination and intolerance through the Internet was another serious problem. The European Union welcomed the Additional Protocol to the Convention on Cybercrime, regarding the criminalization of acts of a racist or xenophobic nature committed through computer systems, which most EU member States had signed. To combat cybercrime, the OSCE had organized a meeting on the relationship between racist, xenophobic and anti-Semitic propaganda on the Internet and hate crimes, held in Paris on 16 and 17 July 2004.

72. **Mr. Wolski** (Poland), speaking on agenda items 103 (a) and (b), said that his delegation associated itself with the statement by the European Union Presidency. However, he wished to return to the question of anti-Semitism referred to by the representative of the Netherlands. Under the Nazi

occupation his country had been the scene of the Holocaust, the most horrific crime in the history of modern Europe. Almost 6 million Jews had died, including 3 million Polish citizens. In January 2005, Poland would commemorate the sixtieth anniversary of the liberation of the death camp in Auschwitz, the symbol of genocide and extermination. However, some tended to disregard the lessons of the past or to approach them with indifference. At a time when many values were being questioned, anti-Semitism was considered by some to be less shameful than it really was, and a false understanding of tolerance had encouraged some people to give equal treatment to the oppressors and the oppressed.

73. The international community must therefore be resolute in the face of anti-Semitism, which was a threat to democracy and the values of civilization. The Durban platform served as a springboard for international action, and achievements had also been noted at the regional level. Thus, as attested by the three OSCE Conferences organized in Berlin, Brussels and Paris in 2004, European countries had taken up a number of commitments to prevent and combat anti-Semitism. They had addressed the issues of developing legislative and institutional mechanisms, education, awareness-raising and exchanges of information on best practices and concrete measures. The experience and initiatives of OSCE should be utilized on a universal level, including that of the United Nations context. Poland therefore welcomed with satisfaction the European Union proposal to include references to those OSCE conferences in the draft resolution on cooperation between the United Nations and OSCE. Poland was also satisfied that, at the latest session of the Commission on Human Rights in Geneva, several resolutions had been adopted firmly condemning anti-Semitism.

74. A few months earlier Poland had adopted a National Programme of Action against Racism, Racial Discrimination and Related Intolerance for the period 2004 to 2009. The Programme focused on education and awareness-raising, and targeted youth, through campaigns in the media, schools and other public institutions. He was especially proud of the activities undertaken by Polish NGOs, in particular the opening of the International Education Centre associated with the Auschwitz-Birkenau Museum, where the International Centre for Genocide Studies would also open shortly. An important role would be played by the Jan Karski Institute for Tolerance and Dialogue, which would be officially launched in Washington, D.C., in the spring of 2005.

75. **Mrs. Heshiki** (Japan), speaking on agenda item 103, said that, although the international community had been combating racism, racial discrimination, xenophobia and related intolerance and the General Assembly had adopted the International Convention on the Elimination of All Forms of Discrimination in 1965, the Special Rapporteur of the Commission on Human Rights stated that acts of racial violence and xenophobic ideas were increasing in many parts of the world and in all spheres.

76. Citing the High Commissioner for Human Rights, she emphasized that education and persuasion were effective means of combating hatred, arrogance and exclusion. Most people agreed that racists were not born but created through ignorance and prejudices, and that future generations needed to be educated so that they would have respect for the dignity and worth of each human being.

77. In that connection, Japan welcomed the resolution adopted by the Commissioner on Human Rights on the establishment of a world programme for human rights education involving OHCHR, UNESCO and other governmental and non-governmental organizations, and providing for a plan of action focusing on primary and secondary school education. Japan hoped that the programme would contribute to the promotion of the universality of human rights and to the reduction of violence based on racial discrimination.

78. Some of the cruellest forms of discrimination and of human rights violations had been experienced by people during and after conflicts instigated by racial and ethnic animosities. In order to avoid such animosities and consolidate peace after conflicts, the most vulnerable had to be protected and empowered.

79. The Japanese Government was committed to combating discrimination and to establishing a society in which each person was respected as an individual. Cooperation between States, international organizations and civil society would make that goal a reality.

80. **Mrs. Taracena** (Guatemala) thanked the Special Rapporteur for his visit to Guatemala in July 2004 and for his acknowledgement of her Government's efforts to implement the peace agreements of 1996 and fulfil its commitments under the agreements.

The meeting rose at 12.05 p.m.